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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JARRETT BLAIR,

Plaintiff,

vs.

OFFICER GEORGE GRAHAM JR.,  
OFFICER JARELY RODRIGUEZ;  
OFFICER CONCEPCION MINERVINI;  
CITY OF JERSEY CITY, JOHN DOES  
1-10; and ABC PUBLIC ENTITIES  
(being fictitious names of as yet  
unidentified parties),

Defendants.

CASE NO.:

**CIVIL ACTION**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff, Jarrett Blair, by and through undersigned counsel, and files this Complaint and sues Defendants, and alleges as follows:

**JURISDICTIONAL STATEMENT AND PARTIES**

1. This action is brought pursuant to 42 U.S.C. Sections 1983 and 1988 and the Fourth and Fourteenth Amendments to the United States Constitution as well as applicable New Jersey Statutes.

2. The Court has jurisdiction of this action under 42 U.S.C. Section 1983, 28 U.S.C.

Section 1343, and 28 U.S.C. Section 1331 in that this is an action to redress violations of Plaintiff's federally protected Constitutional rights.

3. At all times material hereto, Plaintiff, Jarrett Blair, is and was a permanent legal resident of the United States, and a resident of Hudson County, New Jersey.

4. Defendant Officer George A. Graham, Jr. ("Graham") was at all times relevant acting under color of state law as an active and duly appointed City of Jersey City police officer, and in such capacity, as the agent, servant, and employee of Defendant, City of Jersey City.

5. Defendant Officer Concepcion Minervini ("Minervini") was at all times relevant acting under color of state law as an active and duly appointed City of Jersey City police officer, and in such capacity, as the agent, servant, and employee of Defendant, City of Jersey City.

6. Defendant Officer ("Rodriguez") was at all times relevant acting under color of state law as an active and duly appointed City of Jersey City police officer, and in such capacity, as the agent, servant, and employee of Defendant, City of Jersey City.

7. Defendant, City of Jersey City ("City"), is a political subdivision of the State of New Jersey, a New Jersey municipal corporation, and at all times materials hereto, acted through its agents, employees, and servants, including Defendants Graham and Rodriguez.

8. John Does 1-10, are fictitious names for persons unknown at this time but will be substituted when known as associated, affiliated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties is incorporated as a defendant in each and every count listed below. John Does are supervisors, employees, managers, agents, assigns and heirs of the City of Jersey City, and or other individuals unnamed who participated in any conduct concerning the excessive force used against the Plaintiff.

9. ABC Public Entities 1-10, are fictitious names for entities unknown at this time but will be substituted when known as associated, affiliated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties is incorporated as a defendant in each and every count listed below. ABC Public Entities are public entities whose custom, policy or practice contributed to the excessive force used against the Plaintiff.

10. All defendants are sued in their individual and official capacity.

11. The acts and practices constituting the violations alleged below have all occurred within the City of Jersey City, which is properly within the jurisdiction of the United States District Court in and for the District of New Jersey. Venue in the District of New Jersey, Newark Division, is proper because the incident which is the subject of this lawsuit occurred in Hudson County, New Jersey. See 28 U.S.C. § 1391(b)(1) and § 1391(b)(2).

12. Plaintiff complied with the Notice of Claim provisions of the New Jersey Tort Claims Act, more than six (6) months have elapsed since the claim was received, this suit be being commenced within two years of the claim, and there has been no valid settlement of this claim.

13. Plaintiff has retained Law Offices of Brooke M. Barnett & Associates, P.C. to represent his interests in prosecuting this action, and said law firm is entitled to its reasonable attorneys' fees and costs incurred in connection therewith.

#### **STATEMENT OF FACTS**

14. At all times material hereto, the subject incident arises out of Defendants', Graham Rodriguez, and Minervini, (collectively "Defendant Officers"), unlawful arrest and excessive force of Plaintiff resulting in serious personal injuries to said Plaintiff which occurred near the intersection of Kennedy Boulevard and Cutler Avenue, City of Jersey City, County of Hudson, State of New

Jersey.

15. Specifically, on January 19, 2013, the Plaintiff was confronted by Defendant Officers as he was quietly walking home with several friends from a hookah lounge on Culver Avenue in Jersey City.

16. On said date, Defendant Officers were dispatched to 81 Culver Avenue to investigate a report of a large group of twenty (20) people fighting in the streets.

17. Upon arriving on scene, Defendant Officers observed the Plaintiff's group walking, but did not observe anyone fighting.

18. While in their police cruiser, Defendant Officers ordered the Plaintiff and his friends to go home to which one friend, Terrell Glover, responded "we are headed home now."

19. Upon hearing Mr. Glover's Response, the Defendant Officers immediately exited their police cruisers and made their way toward the group in an aggressive manner.

20. Once there, Defendant Graham screamed at Mr. Glover "so you want to talk back" as he shoved the young man to the ground.

21. Defendant Graham then proceeded to grab the Plaintiff by the jacket pulling him face to face while screaming at him.

22. At that moment, Plaintiff voiced his opinion that Defendant Graham was abusing his authority and that they were already leaving.

23. Upon hearing this, Defendant Minervini struck the Plaintiff in his leg with her police issued baton.

24. Defendant Graham then pushed the Plaintiff in the back and told him "to get the fuck up the block."

25. In complying with the Defendant Officers' instructions, the group proceeded to walk down Culver Avenue toward the Kennedy Boulevard intersection.

26. Once there, the Plaintiff said goodbye to his friends and began to cross Culver Street toward his residence which is located two (2) houses from the corner on Kennedy Boulevard.

27. At that moment, the Plaintiff observed Defendant Graham aggressively approaching him with his police issued baton already drawn.

28. The Plaintiff, fearing for his safety, quickly put his hands up in a defenseless position while repeatedly advising the officer he lives across the street.

29. Despite Plaintiff's comments and his defenseless demeanor, Defendant Graham struck the Plaintiff, above his right eyebrow, with his baton causing the Plaintiff to lose consciousness as he fell backward into a fence.

30. Plaintiff floated in and out of consciousness as Defendant Graham propped him up against the fence until throwing the Plaintiff to the ground causing his face to strike the pavement.

31. Once on the ground, Defendant Minervini proceeded to drag Plaintiff across the pavement by his dreadlocks with such force that she ripped several from his head.

32. At that time, Defendant Graham asked the Plaintiff "you think your tuff now you little faggot."

33. As Plaintiff was being dragged, Janine Blair, the Plaintiff's mother, ran out of her residence and confronted the Defendant Officers.

34. Upon observing Ms. Blair, Defendant Minervini immediately relinquished her grip of the Plaintiff's dreadlocks.

35. Ms. Blair demanded to know why her son was covered in blood and being dragged across the pavement.

36. The Defendant Officers advised Ms. Blair that her son was being arrested for disorderly conduct.

37. Despite the Plaintiff's obvious need for medical attention, the Plaintiff was transported to Jersey City's South District Police Headquarters instead of the hospital.

38. Once there, the Plaintiff asked the intake officer for medical attention to which she responded that it would take ten (10) hours before he would be able to receive any medical treatment. She further advised the Plaintiff that it would be quicker to simply wait until he was released in a couple of hours.

39. Shortly thereafter, Ms. Blair arrived at police headquarters demanding to know why no one has notified EMS of her son's injuries.

40. The Sergeant on duty explained to her that they make those decisions and they don't think he needs medical attention. He then told Ms. Blair to go home.

41. Once home, Ms. Blair contacted EMS and explained to them her son needed medical attention.

42. Subsequently, EMS arrived at police headquarters.

43. Although, the Plaintiff had been bleeding for nearly an hour prior to their arrival, EMS decided to simply clean his wounds with water.

44. Upon his release nearly two hours later, Plaintiff was immediately driven to Jersey City Medical Center by his mother.

45. While there, Plaintiff was diagnosed with a concussion, several lacerations and

contusions. He also received twelve stiches above his right eyebrow.

46. Plaintiff was ultimately charged with Disorderly Conduct pursuant to 2C:33-2A(1), Resisting Arresting pursuant to 2C:29-2A(3)(A), and Aggravated Assault pursuant 2C:12-1B(5)(A).

47. On January 30, 2013, the prosecutor's office dismissed the charge of Aggravated Assault and amended the Resisting Arrest charge to 2C:29-2A(1).

48. On October 28, 2014, all charges filed against the Plaintiff were dismissed.

#### **Additional Facts Surrounding Liability**

49. Jersey City Police Department ("JCPD") is an administrative subdivision of Defendant City. Defendant City, acting through its Mayor, City Commission and City Manager, is the ultimate policymaking authority for all officially-adopted policies and procedures implemented by employees of JCPD, including Defendant officers. Further, it is the entity legally responsible for the hiring, retention, supervision, and training of employees of the JCPD, as well as administering any discipline to said employees.

50. On information and belief, Defendant City delegates to the Chief of Police of the JCPD the authority to develop, direct, and implement policies for all sworn law enforcement officers, compiled in part in the Jersey City Standard Operating Procedures Manual, which set forth purported "guidelines" controlling the interaction between JCPD law enforcement officers (including Defendant Officers) and the general public.

51. Defendant City has been placed on notice that there is a pervasive and systemic pattern, custom and practice within JCPD to use excessive force by rendering vicious beatings to members of the general public – even those who do not resist arrest, including innocent

bystanders and those accused of minor criminal infractions -- and to make great efforts to use such excessive force outside the view of third-party witnesses, and frequently while the person detained is subdued, restrained, or otherwise still in handcuffs. False police reports are rendered, and charges are pursued against the victims of these unconstitutional beatings but then later are dropped in an effort to intimidate the victims. Finally, the investigations into such allegations of excessive force are almost always a virtual whitewash, as JCPD officers are rarely if ever punished for such conduct even when investigations reveal conduct that requires action to be undertaken against the officer(s) involved to prevent such occurrences in the future.

52. Specifically, the notice to the City of the unconstitutional conduct of its officers and employees has occurred through notices of intent to sue, lawsuits, internal affairs investigations, and media reports.

53. Thus, Defendant City is also on notice of the fact a systemic and pervasive pattern and practice of excessive force exists within the JCPD and that members of the citizenry are the victims of excessive force committed by police officers of the Defendant City in violation of the Fourth Amendment. Defendant City police officers are allowed and indeed encouraged to commit excessive force with impunity knowing that no discipline, much less meaningful discipline, will follow for acts of excessive force. Such illegal conduct is ratified and condoned by the Defendant City.

54. Defendant Officers are comfortable in the knowledge that any acts of excessive force that he commits will not result in discipline by the Defendant City even when the act of excessive force occurs within JCPD. Thus, the lack of discipline for excessive force allowed Defendant Officers to commit excessive force against the Plaintiff because Defendant Officers knew that there would be no official reprisals for his actions against Plaintiff.



**COUNT I – 42 U.S.C. § 1983 – EXCESSIVE FORCE**  
**(AGAINST DEFENDANTS GRAHAM & MINERVINI)**

55. Plaintiff, Jarrett Blair, re-alleges and re-avers each and every allegation set forth in Paragraphs 1 through 54 as if set forth fully herein, and further states as follows:

56. This cause of action is brought by Plaintiff against Defendants Graham and Minervini for their use of excessive force under color of law which deprived Plaintiff of his constitutionally protected rights under the Fourth Amendment to the United States Constitution.

57. At all times material, Plaintiff had the constitutional right to be free from the use of excessive force against his person and to be free from unlawful searches and seizures.

58. Defendants Graham and Minervini violated 42 U.S.C. § 1983 by inflicting serious personal injury upon Plaintiff that was grossly disproportionate to the force necessary in violation of his rights under the Fourth Amendment to the United States Constitution.

59. Defendants Graham , while acting in his capacity as a police officer for Defendant City and under the color of law, did intentionally use excessive force by striking the Plaintiff in the head with his police issued baton and then throwing him to the ground.

60. Defendants Minervini, while acting in her capacity as a police officer for Defendant City and under the color of law, did intentionally use excessive force by striking the Plaintiff in the leg with her police issued baton as well as dragging across the pavement by is dreadlocks with such force that several were ripped from his head.

61. Defendants Graham and Minervini, while acting in their capacity as police officers for Defendant City and under the color of law, did intentionally engage in an unlawful search and seizure by their conduct toward the Plaintiff.

62. As a direct and proximate result of the illegal acts of Defendants Graham and Minervini, Plaintiff had to receive medical treatment for the injuries sustained to his head.

63. As a direct and proximate result of the illegal acts of Defendants Graham and Minervini, Plaintiff has in the past and will in the future suffer great pain and suffering, mental anguish, as well as shame, humiliation, and the loss of capacity for the enjoyment of life.

64. The acts of Defendants Graham and Minervini as set forth above were intentional, wanton, malicious, and oppressive, thus entitled Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiff demands the following relief against Defendants:

- a. An award of compensatory damages;
- b. An award of punitive damages;
- c. An award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- d. An award of such other and further relief the Court deems just and appropriate.

**COUNT II – 42 U.S.C. § 1983 – EXCESSIVE FORCE**  
**(AGAINST DEFENDANT CITY)**

65. Plaintiff, Jarrett Blair, re-alleges and re-avers each and every allegation set forth in Paragraphs 1 through 64 as if set forth fully herein, and further states as follows:

66. This cause of action is brought by Plaintiff against Defendant City for deprivation by its agent, servant, and employee, namely Defendants Graham and Minervini, of constitutional rights within the meaning of 42 U.S.C. § 1983 in violation of the Fourth Amendment to the United States Constitution.

67. Defendants Graham and Minervini were acting under the color of law, as authorized agents of Defendant City, while unlawfully arresting Plaintiff in the furtherance of their duties.

68. The constitutional deprivation was caused by Defendant City's numerous areas of deliberate indifference.

69. Moreover, at all times material hereto, Defendant City was responsible for implementing the rules and regulations in regard to hiring, retaining, screening, training, supervising, controlling, disciplining and assigning JCPD police officers to their duties in the City of Jersey City.

70. Defendant City was deliberately indifferent in that it either expressly or impliedly acknowledged and assented to the failure to hire, retain, screen, train, supervise, control, discipline, and otherwise assign employees of Defendant working as JCPD officers, including but not limited to Defendant Graham and Minervini, for dangerous propensities, lack of training and skill, and other identifiable characteristics making said JCPD officers unfit to perform their lawful duties.

71. Defendant City was deliberately indifferent to the rights of the public, including the Plaintiff, in that it failed to determine whether members of the JCPD, including Defendant Graham and Minervini, posed a threat to the public as a result of their propensity to commit unlawful acts and to engage in violent activity, including acts of excessive force.

72. Defendant City, through its deliberate indifference, failed to ensure that JCPD officers, including Defendants Graham and Minervini, did not violate the constitutional and statutory rights of citizens of the State of New Jersey, including the Plaintiff, while said JCPD officers were acting under color of state law for Defendant City.

73. The deliberate indifference of Defendant City exhibited a reckless, wanton, and callous disregard for the rights of persons, including the Plaintiff, who might be brutally assaulted, injured, battered or otherwise maimed for life by JCPD officers, including Defendants Graham and Minervini, who were inadequately trained, supervised, and disciplined.

74. Defendant City was deliberately indifferent in the selection, retaining, training, and supervising of Defendants Graham and Minervini, as JCPD officers in that Defendant City: (a) hired and retained Defendants when Defendant City knew, or in the exercise of reasonable care should have known, of the disposition of Defendants to engage in such unlawful conduct including excessive force and the unlawful conduct complained of herein; (b) failed to remove Defendants from their position of authority as JCPD officer despite the fact it knew or should have known of the disposition of Defendants to engage in such unlawful conduct including excessive force and the unlawful conduct complained of herein; (c) failed to take any meaningful disciplinary action against Defendants despite the fact it knew or should have known of the disposition of Defendants to engage in such unlawful conduct including excessive force and the unlawful conduct complained of herein; and (d) failed to protect members of the general public, including the Plaintiff, despite the fact it knew or should have known of the disposition of Defendants to engage in such unlawful conduct including excessive force and the unlawful conduct complained of herein.

75. Additionally, the cited misconduct represents a pattern, custom and practice in which members of the public were savagely beaten, injured, and otherwise endangered by the intentional and reckless misconduct of JCPD officers, and that deliberate indifference was widespread as to the use of excessive force, illegal behavior, and widespread incompetence throughout Defendant City including the JCPD. This pattern, custom, and practice includes not only the failure to identify and discipline the unlawful and excessive use of force and seizures by JCPD personnel, but additionally, the failure to re-train, supervise, or otherwise remove JCPD officers who engage in such unlawful conduct as the de facto policy and custom of Defendant City to tolerate, encourage, and even protect such acts by JCPD officers.

76. The deliberate indifference of the Defendant City violated the constitutional rights of its citizenry, including the Plaintiff, for which 42 U.S.C. § 1983 provides the appropriate remedies as requested herein.

77. As a direct and proximate result of the illegal acts of Defendants Graham and Minervini while Defendants were an agent, servant, and employee of Defendant City, and the unconstitutional policies, customs and practices of Defendant City, Plaintiff has been damaged, including but not limited to physical injuries as well as emotional distress which were caused, activated or otherwise aggravated by the subject incident, and Plaintiff shall incur further medical losses and impairments in the future as a direct and proximate result of the illegal acts of Defendants Graham and Minervini.

78. As a direct and proximate result of the illegal acts of Defendants Graham and Minervini, while Defendants were an agent, servant, and employee of Defendant City, and the unconstitutional policies, customs and practices of Defendant City, Plaintiff has in the past and will in the future suffer great pain and suffering, mental anguish, as well as shame, humiliation, and the loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiff demands the following relief against Defendant City:

- a. An award of compensatory damages;
- b. An award of punitive damages;
- c. An award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- d. An award of such other and further relief the Court deems just and appropriate.

**COUNT III– 42 U.S.C. § 1983 – FALSE ARREST**  
**(AGAINST DEFENDANTS GRAHAM & RODRIGUEZ)**

79. Plaintiff, Jarrett Blair, re-alleges and re-avers each and every allegation set forth in Paragraphs 1 through 78 as if set forth fully herein, and further states as follows:

80. The conduct and actions of Defendants Graham & Rodriguez on January 19, 2013, acting under color of law, in arresting and detaining or causing the arrest and detention of Jarrett Blair without probable cause, was done intentionally, maliciously, with a deliberate indifference and/or with a reckless disregard for the natural and probable consequences of their acts, was done without lawful justification or reason, and was designed to and did cause specific and serious physical and emotional pain and suffering in violation of Plaintiff's Constitutional rights as guaranteed under the Fourth and Fourteenth Amendments to the United States Constitution.

81. The above conduct and actions, of these Defendant Officers, was done with the sole purpose of intimidating the Plaintiff and attempting to justify the excessive force used by the Defendant Officers.

WHEREFORE, Plaintiff demands the following relief against Defendants:

- e. An award of compensatory damages;
- f. An award of punitive damages;
- g. An award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- h. An award of such other and further relief the Court deems just and appropriate.

**COUNT IV – STATE TORT – MALICIOUS PROSECUTION**  
**(AGAINST DEFENDANTS GRAHAM & RODRIGUEZ)**

82. Plaintiff, Jarrett Blair, re-alleges and re-avers each and every allegation set forth in Paragraphs 1 through 81 as if set forth fully herein, and further states as follows:

83. Defendant Officers initiated a criminal action against the Plaintiff without probable

cause.

84. Defendant Officers' actions were done so maliciously and for the sole purpose of intimidating the Plaintiff as well as an attempt to justify their excessive force.

85. All charges filed against the Plaintiff were dismissed on October 28, 2014 by the Jersey City Municipal Prosecutor's Office.

86. As a direct and proximate result of Defendant Officers conduct, the Plaintiff has and will continue to be damaged.

WHEREFORE, Plaintiff demands the following relief against Defendant:

- a. An award of compensatory damages;
- b. An award of punitive damages;
- c. An award of attorneys' fees and costs; and
- d. An award of such other and further relief the Court deems just and appropriate

**COUNT IV – STATE TORT – ASSAULT & BATTERY**  
**(AGAINST DEFENDANTS GRAHAM & RODRIGUEZ)**

87. Plaintiff, Jarrett Blair, re-alleges and re-avers each and every allegation set forth in Paragraphs 1 through 86 as if set forth fully herein, and further states as follows:

79. Plaintiff was unlawfully arrested by Defendants who did unlawfully batter, touch, and strike Plaintiff without his consent and against his will.

80. As a direct and proximate result of said acts of Defendants, Plaintiff has been damaged, including but not limited to permanent physical injuries and scarring which were caused, activated or otherwise aggravated by the subject incident.

81. As a direct and proximate result of said acts of Defendants, Plaintiff required medical

attention; and has incurred medical bills and expenses attendant to his aforesaid injuries.

82. As a direct and proximate result of said acts of Defendants, Plaintiff has in the past and will in the future suffer great pain and suffering, both physical and mental anguish, as well as shame, humiliation, and the loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiff demands the following relief against Defendant:

- a. An award of compensatory damages;
- b. An award of punitive damages;
- c. An award of attorneys' fees and costs; and
- d. An award of such other and further relief the Court deems just and appropriate.

**COUNT V – STATE TORT- ASSAULT & BATTERY**  
**(AGAINST DEFENDANT CITY)**

83. Plaintiff, re-alleges and re-avers each and every allegation set forth in Paragraphs 1 through 82 as if set forth fully herein, and further states as follows

84. Plaintiff was unlawfully arrested by Defendants Officers who did unlawfully batter, touch, and strike Plaintiff without his consent and against his will.

85. Defendants Officers were acting in the course and scope of their duties as an agent, servant, and employee of Defendant City.

86. As a direct and proximate result of said acts of Defendants Officers for which Defendant City is responsible, Plaintiff has been damaged, including but not limited to permanent physical injuries which were caused, activated or otherwise aggravated by the subject incident.

87. As a direct and proximate result of said acts of Defendants Officers , for which Defendant City is responsible, Plaintiff has undergone painful and extensive medical care and



treatment; and has incurred medical bills and expenses attendant to his aforesaid injuries.

88. As a direct and proximate result of said acts of Defendant Officers, for which Defendant City is responsible, Plaintiff has in the past and will in the future suffer great pain and suffering, both physical and mental anguish, as well as shame, humiliation, and the loss of capacity for the enjoyment of life.

WHEREFORE, Plaintiff demands the following relief against Defendant:

- a. An award of compensatory damages;
- b. An award of punitive damages;
- c. An award of attorneys' fees and costs; and
- d. An award of such other and further relief the Court deems just and appropriate

**COUNT X – STATE TORT- ABUSE OF PROCESS**  
**(AGAINST DEFENDANTS GRAHAM & RODRIGUEZ)**

89. Plaintiff, re-alleges and re-avers each and every allegation set forth in Paragraphs 1 through 88 as if set forth fully herein, and further states as follows

90. Defendants authored incident, use of force and arrest reports as well as criminal complaints with regard to the above referenced incident.

91. The aforementioned report contained numerous falsities regarding the above referenced events.

92. In authoring this report, Defendants, made improper, illegal and perverted use of the legal procedure, that is to say, his/her resort to the legal process was neither warranted nor authorized by law.

93. The motivation behind Defendant's improper, illegal and perverted use of the legal procedure was to conceal his and the other Defendants unlawful battery of the Plaintiff as well as intimidate the Plaintiff, and not in furtherance of their job duties.

94. As a result of Defendant's abuse of power, Plaintiff has been damaged.

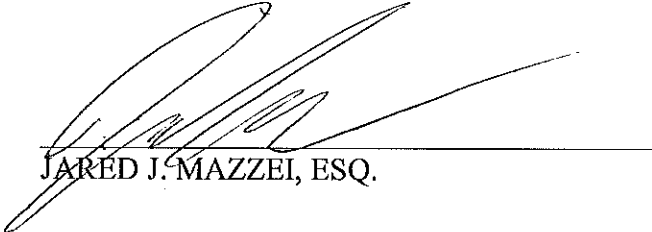
WHEREFORE, Plaintiff demands the following relief against Defendant:

- a. An award of compensatory damages;
- b. An award of punitive damages;
- c. An award of attorneys' fees and costs; and
- d. An award of such other and further relief the Court deems just and appropriate.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury as to all issues

**BROOKE M. BARNETT & ASSOCIATES, P.C.**  
Attorneys for Plaintiff



JARED J. MAZZEI, ESQ.

Dated: January 13, 2015